

REMARKS

Claim Rejections

Claims 11-16 and 18-20 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-4, 6, 8, 9, 11-14, 16, 19 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yen (U.S. 6,547,600). Claim 5 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yen. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yen in view of Henderson (U.S. 4,738,639). Claim 10 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yen and further in view of Klemp (U.S. 4,679,884). Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yen and further view of Mason (U.S. 3,975,075).

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Amendments to Specification

Applicant has amended the specification as noted above to cure obvious grammatical and idiomatic inaccuracies and to provide antecedent basis for reference number "32". No "new matter" has been added to the original disclosure by the foregoing amendments to the specification.

New Claims

By this Amendment, Applicant has canceled claims 1-20 and has added new claims 21-32 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a flat plug structure comprising: a flat housing (10) having a space (11) located in a bottom surface thereof; a power cable (60) protruding from the housing and having first and second conductive wires (61, 62); a fuse (70) removable inserted into the space; a first conductive plate (20) protruding from the bottom surface of the flat housing perpendicular to the fuse and having a first containing slot (21) containing and fixing the first conductive wire of the power cable; a second conductive plate (30) protruding from the bottom surface of the flat housing perpendicular to the fuse and having a second containing slot (31) containing and fixing a first end of the fuse, the first conductive plate is parallel to the second conductive plate, the first conductive plate and the second conductive plate are spaced apart a predetermined distance; a fuse seat (40) located in the space and having: a third containing slot (41) containing and fixing a second end of the fuse; and a fourth containing slot (45) containing and fixing the second conductive wire of the power cable; and a bottom plate (50) made of an insulative material and selectively covering the space and the fuse seat in the bottom surface of the housing.

Other embodiments of the present invention include: the flat housing, the first conductive plate, and the second conductive plate are made by a molding method; the first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate and connected thereto by a first bottom wall, the first containing slot having a predetermined width for selectively accommodating the fuse; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the first conductive plate and connected thereto by a second bottom wall, the second containing slot having a predetermined width for selectively accommodating the fuse; the first containing slot, the second containing slot, and the third containing slot have equal widths; the third containing slot is connected to the fourth containing slot and has a U-shaped cross-section, the fourth containing slot includes a first clip (47) and a second clip (48) connected to the second conductive wire of the power cable; the flat housing has a square shape; the a power cable protrudes from the housing parallel to the fuse; the a power cable protrudes from the housing at a 45 degree angle relative to the fuse; the second conductive plate has a cross section having a long side and a

short side, the space is located adjacent to and parallel with the long side; the second conductive plate has a cross section having a long side and a short side, the space is located adjacent to the short side and parallel with the long side; and a ground conductive terminal protruding from the bottom surface of the flat housing.

The primary reference to Yen teaches an electrical plug having electrical prongs (4) protruding from an inner connector (1) that is inserted into a shell (2), and a fuse located in the inner connector. The fuse and the electrical prongs are parallel.

Yen does not teach a first conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; a second conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; the first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate and connected thereto by a first bottom wall; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the first conductive plate and connected thereto by a second bottom wall; nor does Yen teach the third containing slot is connected to the fourth containing slot and has a U-shaped cross-section, the fourth containing slot includes a first clip and a second clip connected to the second conductive wire of the power cable.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Yen does not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Yen cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

The secondary reference to Henderson teaches an electrical plug having a main plug body (12), and insert (14), two male connectors (16, 18), and a fuse (34). The fuse and the two male connectors are parallel.

Henderson does not teach a first conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; a second conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; the

first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate and connected thereto by a first bottom wall; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the first conductive plate and connected thereto by a second bottom wall; nor does Henderson teach the third containing slot is connected to the fourth containing slot and has a U-shaped cross-section, the fourth containing slot includes a first clip and a second clip connected to the second conductive wire of the power cable.

The secondary reference to Klemp teaches a fused electrical plug having a plug body (15), conductors (14, 16, 17), and a fuse (23). The fuse and the conductors are parallel.

Klemp does not teach a first conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; a second conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; the first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate and connected thereto by a first bottom wall; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the first conductive plate and connected thereto by a second bottom wall; nor does Klemp teach the third containing slot is connected to the fourth containing slot and has a U-shaped cross-section, the fourth containing slot includes a first clip and a second clip connected to the second conductive wire of the power cable.

The secondary reference to Mason teaches a wall plug and is cited for having a cable (21) protruding at a 25 degree angle relative to a line (23) between the contacts (24).

Mason does not teach a first conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; a second conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; the first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate and connected thereto by a first bottom wall; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the first conductive plate and connected

thereto by a second bottom wall; nor does Mason teach the third containing slot is connected to the fourth containing slot and has a U-shaped cross-section, the fourth containing slot includes a first clip and a second clip connected to the second conductive wire of the power cable.

Even if the teachings of Yen, Henderson, Klemp, and Mason were combined, as suggested by the Examiner, the resultant combination does not suggest: a first conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; a second conductive plate protruding from the bottom surface of the flat housing perpendicular to the fuse; the first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate and connected thereto by a first bottom wall; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the first conductive plate and connected thereto by a second bottom wall; nor does the combination suggest the third containing slot is connected to the fourth containing slot and has a U-shaped cross-section, the fourth containing slot includes a first clip and a second clip connected to the second conductive wire of the power cable.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring

way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Yen, Henderson, Klemp, or Mason that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Application No. 10/791,697

Neither Yen, Henderson, Klemp, nor Mason disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: May 16, 2005

By:


Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707